

1 The party states agree that

2 (a) For the purpose of administering the provisions of this compact and to
3 serve as a governing body for the resolution of all matters relating to the operation of
4 this compact, a board of compact administrators is hereby established. The board must
5 be composed of one representative from each of the party states to be known as the
6 compact administrator. The compact administrator shall be appointed by the head of
7 the licensing authority of each party state and shall serve and be subject to removal in
8 accordance with the laws of the state that the compact administrator represents. A
9 compact administrator may provide for the discharge of the compact administrator's
10 duties and the performance of the compact administrator's functions as a board
11 member by an alternate. An alternate may not serve unless written notification of the
12 alternate's identity has been given to the board.

13 (b) Each member of the board of compact administrators is entitled to one
14 vote. No action of the board is binding unless taken at a meeting at which a majority
15 of the total number of votes on the board are cast in favor thereof. Action by the board
16 must be only at a meeting at which a majority of the party states are represented.

17 (c) The board shall elect annually, from its membership, a chair and vice chair.

18 (d) The board shall adopt bylaws, not inconsistent with the provisions of this
19 compact or the laws of a party state, for the conduct of its business and may amend or
20 rescind its bylaws.

21 (e) The board may accept for any of its purposes and functions under this
22 compact any donations and grants of money, equipment, supplies, materials, and
23 services, conditional or otherwise, from any state, the United States, or any
24 governmental agency and may receive, use, and dispose of them as it deems
25 appropriate.

26 (f) The board may contract with, or accept services or personnel from, any
27 governmental or intergovernmental agency, person, firm, corporation, or private
28 nonprofit organization or institution.

29 (g) The board shall establish all necessary procedures and develop uniform
30 forms and documents for administering the provisions of this compact. All procedures
31 and forms adopted pursuant to board action must be included in the compact manual.

ARTICLE VIII

ENTRY INTO AND WITHDRAWAL FROM COMPACT

The party states agree that

(a) This compact becomes effective upon adoption by at least two states.

(b) Entry into the compact must be made by a resolution of ratification executed by the authorized officers of the applying state and submitted to the chairman of the board of compact administrators.

(c) The resolution must be in a form and content as provided in the compact manual and include

(1) a citation of the authority by which the state is authorized to become a party to this compact;

(2) an agreement to comply with the terms and provisions of the compact; and

(3) a statement that entry into the compact is with all states then party to the compact and with any state that legally becomes a party to the compact.

(d) The effective date of entry must be specified by the applying state, except that the effective date must not be less than 60 days after notice has been given by

(1) the chair of the board of the compact administrators; or

(2) the secretary of the board of compact administrators to each party state that the resolution from the applying state has been received.

(e) A party state may withdraw from the compact by giving official written notice to the other party states. A withdrawal does not take effect until 90 days after the notice of withdrawal is given. The notice must be directed to the compact administrator of each party state. The withdrawal of a party state does not affect the validity of the compact as to the remaining party states.

ARTICLE IX

AMENDMENTS TO THE COMPACT

The party states agree that

(a) This compact may be amended from time to time. Amendments must be presented in resolution form to the chair of the board of compact administrators and may be proposed by one or more party states.

1 (b) The adoption of an amendment must be endorsed by all party states and
2 becomes effective 30 days after the date the last party state endorses the amendment.

3 (c) The failure of a party state to respond to the chair of the board of compact
4 administrators within 120 days after the receipt of the proposed amendment constitutes
5 an endorsement.

6 ARTICLE X

7 CONSTRUCTION AND SEVERABILITY

8 The party states agree that this compact must be liberally construed so as to carry out
9 the purposes stated in the compact. The provisions of this compact are severable and if
10 any phrase, clause, sentence or provision of the compact is declared to be contrary to
11 the constitution of any party state or the United States or the applicability thereof to
12 any government, agency, person, or circumstance is held invalid, the validity of the
13 remainder of the compact is not affected thereby. If this compact is held contrary to
14 the constitution of any party state thereto, the compact remains in effect as to the
15 remaining states and to the state affected as to all severable matters.

16 ARTICLE XI

17 TITLE

18 The party states agree that this compact will be known as the Wildlife Violator
19 Compact.

20 * Sec. 2. AS 16.05 is amended by adding a new section to read:

21 **Sec. 16.05.334. Application of Wildlife Violator Compact.** The provisions of
22 AS 16.05.332 do not apply to violations involving

23 (1) commercial fishing; or

24 (2) commercial activities of providers of services to big game hunters;

25 for purposes of this section, "services to big game hunters" has the meaning given to
26 "big game hunting services" under AS 08.54.790.

27 * Sec. 3. AS 16.05.410 is amended by adding a new subsection to read:

28 (h) For purposes of enforcement of the provisions of the Wildlife Violator
29 Compact entered into under AS 16.05.332, upon the receipt of a report that a violator
30 has failed to comply with the terms of a citation for a wildlife violation issued by an
31 issuing state other than this state or of the violator's conviction of a wildlife violation

1 in an issuing state other than this state, a peace officer may file a civil action in the
2 district court to revoke the comparable license or licenses that the violator holds in this
3 state. Once an action has been filed, the court shall set a time and date for a hearing on
4 the proposed license revocation or revocations and shall send notice of the hearing to
5 the violator. The hearing shall be before the court without a jury. At the hearing, the
6 court shall hear evidence regarding the nature and seriousness of the offense for which
7 the violator was convicted or the nature and seriousness of the failure to comply with
8 the citation, the time period involved, the potential effect of the violator's actions on
9 the preservation of the resource, and other relevant circumstances. If the court finds by
10 a preponderance of the evidence that the violator's actions demonstrate a disregard for
11 the preservation of wildlife resources, the court may revoke the violator's license or
12 licenses for a period of not less than one year or more than three years from the date of
13 revocation. In this subsection, the terms "issuing state," "wildlife," and "wildlife
14 violation" have the meanings given in AS 16.05.332.

HOUSE BILL NO. 267

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE JOHNSON

Introduced: 1/4/08
Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to authorizing the state to join with other states entering into the
2 Wildlife Violator Compact and authorizing the compact to supersede existing statutes
3 by approving standards, rules, or other action under the terms of the compact; and
4 directing the initiation of civil actions to revoke appropriate licenses in this state based
5 on a resident licensee's violation of or failure to comply with the terms of a wildlife
6 resource citation issued in another state that is a party to the compact."

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 * **Section 1.** AS 16.05 is amended by adding a new section to read:

9 **Sec. 16.05.332. Wildlife Violator Compact.** The Wildlife Violator Compact
10 as contained in this section is enacted into law and entered into on behalf of the State
11 of Alaska with any other states legally joining it in a form substantially as follows:

12 **ARTICLE I**

13 **FINDINGS, DECLARATION OF POLICY, AND PURPOSES**

1 Section I. Findings. The party states find that

2 (a) Wildlife resources are managed in trust by the respective states for the
3 benefit of all residents and visitors.

4 (b) The protection of their respective wildlife resources are materially affected
5 by the degree of compliance with state statute, regulation, ordinance, or administrative
6 rule relating to the management of those resources.

7 (c) The preservation, protection, management, and restoration of wildlife
8 contributes immeasurably to the aesthetic, recreational, and economic aspects of those
9 natural resources.

10 (d) Wildlife resources are valuable without regard to political boundaries and,
11 therefore, all persons must be required to comply with wildlife preservation,
12 protection, management, and restoration statutes, ordinances, and administrative rules
13 and regulations of all party states as a condition precedent to the continuance or
14 issuance of any license to hunt, fish, trap, or possess wildlife.

15 (e) The violation of wildlife laws interferes with the management of wildlife
16 resources and may endanger the safety of persons and property.

17 (f) The mobility of many wildlife law violators necessitates the maintenance
18 of channels of communications among the various states.

19 (g) In most instances, a person who is cited for a wildlife violation in a state
20 other than the person's home state

21 (1) must post collateral or a bond to secure the person's appearance for
22 a trial at a later date:

23 (2) if unable to post collateral or a bond, is taken into custody until the
24 collateral or bond is posted; or

25 (3) is taken directly to court for an immediate appearance.

26 (h) The purpose of the enforcement practices described in (g) of this section is
27 to ensure compliance with the terms of a wildlife citation by the person who, if
28 permitted to continue on the person's way after receiving the citation, could return to
29 the person's home state and disregard the person's duty under the terms of the citation.

30 (i) In most instances, a person receiving a wildlife citation in the person's
31 home state is permitted to accept the citation from the officer at the scene of the

1 violation and continue immediately on the person's way after agreeing to comply with
2 the terms of the citation.

3 (j) The practice described in (g) of this section causes unnecessary
4 inconvenience and, at times, a hardship for the person who is unable at the time to post
5 collateral, furnish a bond, stand trial, or pay a fine and, therefore, is compelled to
6 remain in custody until another arrangement is made.

7 (k) The enforcement practices described in (g) of this section consume an
8 undue amount of law enforcement time.

9 Sec. 2. Policies. The policies of the party states are to

10 (a) Promote compliance with the statutes, ordinances, regulations and
11 administrative rules relating to management of wildlife resources in their respective
12 states.

13 (b) Recognize the suspension of wildlife license privileges of any person
14 whose license privileges have been suspended by a party state and treat the suspension
15 as if it had occurred in their state.

16 (c) Allow a violator to accept a wildlife citation, except as provided in
17 subsection (b) of article III, and proceed on the person's way without delay whether or
18 not the person is a resident in the state in which the citation was issued if the person's
19 home state is a party to this compact.

20 (d) Report to the appropriate party state, as provided in the compact manual,
21 any conviction recorded against any person whose home state was not the issuing
22 state.

23 (e) Allow the home state to recognize and treat convictions recorded for its
24 residents which occurred in another party state as if they had occurred in the home
25 state.

26 (f) Extend cooperation to its fullest extent among the party states for obtaining
27 compliance with the terms of a wildlife citation issued in one party state to a resident
28 of another party state.

29 (g) Maximize the effective use of law enforcement personnel and information.

30 (h) Assist court systems in the efficient disposition of wildlife violations.

31 Sec. 3. Purposes. The purposes of this compact are to:

1 (a) Provide a means by which the party states may participate in a reciprocal
2 program to carry out the policies set forth in section 2 of this article in a uniform and
3 orderly manner.

4 (b) Provide for the fair and impartial treatment of wildlife violators operating
5 within party states in recognition of the persons' right of due process in the sovereign
6 status of a party state.

7 ARTICLE II

8 DEFINITIONS

9 As used in this compact, unless the context otherwise requires,

10 (a) "Citation" means any summons, complaint, summons and complaint,
11 ticket, penalty assessment or other official document issued by a wildlife officer or
12 other peace officer for a wildlife violation containing an order that requires the person
13 to respond.

14 (b) "Collateral" means any cash or other security deposited to secure an
15 appearance for trial in connection with the issuance by a wildlife officer or other peace
16 officer of a citation for a wildlife violation.

17 (c) "Compliance" means the act of answering a citation by appearing in a
18 court or tribunal or the payment of fines, costs, or surcharges, if any.

19 (d) "Conviction" means a conviction, including any court conviction, of any
20 offense related to the preservation, protection, management, or restoration of wildlife
21 which is prohibited by state statute, regulation, ordinance, or administrative rule, or a
22 forfeiture of bail, bond, or other security deposited to secure the appearance of a
23 person charged with any such offense, or the payment of a penalty assessment or a
24 plea of nolo contendere, or the imposition of a deferred or suspended sentence by the
25 court.

26 (e) "Court" means a court of law, including magistrate's court and the justice
27 of the peace court.

28 (f) "Home state" means the state of primary residence of a person.

29 (g) "Issuing state" means the party state that issues a wildlife citation.

30 (h) "License" means any license, permit, or other public document that
31 conveys to the person to whom it is issued the privilege of pursuing, possessing, or

1 taking any wildlife regulated by statute, regulation, ordinance, or administrative rule
2 of a party state.

3 (i) "Licensing authority" means

4 (1) in each other party state, the department or division within the party
5 state that is authorized by law to issue or approve licenses or permits to hunt, fish,
6 trap, or possess wildlife; and

7 (2) in this state, the Department of Public Safety.

8 (j) "Party state" means any state that enacts legislation to become a member of
9 this compact.

10 (k) "Personal recognizance" means an agreement by a person made at the time
11 of the issuance of the wildlife citation that the person will comply with the terms of
12 that citation.

13 (l) "State" means any state, territory, or possession of the United States, the
14 District of Columbia, Commonwealth of Puerto Rico, Provinces of Canada, or any
15 other countries.

16 (m) "Suspension" means any revocation, denial, or withdrawal of any license
17 privileges, including the privilege to apply for, purchase, or exercise the benefits
18 conferred by any license.

19 (n) "Terms of the citation" means those conditions and options expressly
20 stated in the citation.

21 (o) "Wildlife" means all species of animals, including, but not limited to,
22 mammals, birds, fish, reptiles, amphibians, mollusks and crustaceans, that are defined
23 as wildlife and are protected or otherwise regulated by statute, regulation, ordinance,
24 or administrative rule in a party state. Species included in the definition of wildlife
25 vary from state to state and a determination of whether a species is wildlife for the
26 purposes of this compact must be based on local law.

27 (p) "Wildlife law" means any statute, regulation, ordinance, or administrative
28 rule enacted to manage wildlife resources and the use thereof.

29 (q) "Wildlife officer" means any person authorized by a party state to issue a
30 citation for a wildlife violation.

31 (r) "Wildlife violation" means any cited violation of statute, regulation,

1 ordinance, or administrative rule enacted to manage wildlife resources and the use
2 thereof.

3 ARTICLE III

4 PROCEDURES FOR ISSUING STATE

5 Issuing state procedures are as follows:

6 (a) When issuing a citation for a wildlife violation, a wildlife officer shall
7 issue a citation to any person whose primary residence is in a party state in the same
8 manner as if the person were a resident of the home state. The wildlife officer may not
9 require the person to post collateral to secure that person's appearance, subject to the
10 exceptions set forth in paragraph (b) of this article, if the officer receives the person's
11 personal recognizance that the person will comply with the terms of the citation.

12 (b) Personal recognizance is permissible if

13 (1) it is not prohibited by local law or the compact manual; and

14 (2) the violator provides adequate proof of the violator's identity to the
15 wildlife officer.

16 (c) Upon conviction or failure of a person to comply with the terms of a
17 wildlife citation, the appropriate officer shall report the conviction or the failure to
18 comply to the licensing authority of the party state in which the wildlife citation was
19 issued. The report must be made in accordance with the procedures specified by the
20 issuing state and contain information as specified in the compact manual as minimum
21 requirements for effective processing by the home state.

22 (d) Upon the receipt of the report of conviction or noncompliance required by
23 (c) of this article, the licensing authority of the issuing state shall transmit to the
24 licensing authority in the home state of the violator the information in the manner
25 prescribed in the compact manual.

26 ARTICLE IV

27 PROCEDURES FOR HOME STATE

28 Home state procedures are as follows:

29 (a) Upon the receipt of a report of failure to comply with the terms of a
30 citation from the licensing authority of the issuing state, the licensing authority of the
31 home state shall notify the violator and begin a suspension action in accordance with

1 the home state's suspension procedures. The licensing authority of the home state shall
2 suspend the violator's license privileges until satisfactory evidence of compliance with
3 the terms of the wildlife citation has been furnished by the issuing state to the home
4 state licensing authority. Due process rights must be accorded to the violator.

5 (b) Upon the receipt of a report of conviction from the licensing authority of
6 the issuing state, the licensing authority of the home state shall enter the conviction in
7 its records and consider the conviction as if it had occurred in the home state for the
8 purposes of the suspension of license privileges.

9 (c) The licensing authority of the home state shall maintain a record of actions
10 taken and make reports to the issuing states as provided in the compact manual.

11 ARTICLE V

12 RECIPROCAL RECOGNITION OF SUSPENSION

13 The party states agree that

14 (a) all party states shall recognize the suspension of license privileges of any
15 person by any state as if the violation on which the suspension is based had occurred
16 in their state and would have been the basis for suspension of license privileges in
17 their state.

18 (b) each party state shall communicate information concerning the suspension
19 of license privileges to the other party states in the manner prescribed in the compact
20 manual.

21 ARTICLE VI

22 APPLICABILITY OF OTHER LAWS

23 The party states agree that, except as expressly required by the provisions of this
24 compact, nothing included in this compact shall be construed to affect the right of any
25 party state to apply any of its laws relating to license privileges to any person or
26 circumstance or to invalidate or prevent any agreement or other cooperative
27 arrangements between a party state and a nonparty state concerning wildlife law
28 enforcement.

29 ARTICLE VII

30 COMPACT ADMINISTRATOR PROCEDURES

31 The party states agree that

1 (a) For the purpose of administering the provisions of this compact and to
2 serve as a governing body for the resolution of all matters relating to the operation of
3 this compact, a board of compact administrators is hereby established. The board must
4 be composed of one representative from each of the party states to be known as the
5 compact administrator. The compact administrator shall be appointed by the head of
6 the licensing authority of each party state and shall serve and be subject to removal in
7 accordance with the laws of the state that the compact administrator represents. A
8 compact administrator may provide for the discharge of the compact administrator's
9 duties and the performance of the compact administrator's functions as a board
10 member by an alternate. An alternate may not serve unless written notification of the
11 alternate's identity has been given to the board.

12 (b) Each member of the board of compact administrators is entitled to one
13 vote. No action of the board is binding unless taken at a meeting at which a majority
14 of the total number of votes on the board are cast in favor thereof. Action by the board
15 must be only at a meeting at which a majority of the party states are represented.

16 (c) The board shall elect annually, from its membership, a chair and vice chair.

17 (d) The board shall adopt bylaws, not inconsistent with the provisions of this
18 compact or the laws of a party state, for the conduct of its business and may amend or
19 rescind its bylaws.

20 (e) The board may accept for any of its purposes and functions under this
21 compact any donations and grants of money, equipment, supplies, materials, and
22 services, conditional or otherwise, from any state, the United States, or any
23 governmental agency and may receive, use, and dispose of them as it deems
24 appropriate.

25 (f) The board may contract with, or accept services or personnel from, any
26 governmental or intergovernmental agency, person, firm, corporation, or private
27 nonprofit organization or institution.

28 (g) The board shall establish all necessary procedures and develop uniform
29 forms and documents for administering the provisions of this compact. All procedures
30 and forms adopted pursuant to board action must be included in the compact manual.

31 ARTICLE VIII

1 ENTRY INTO AND WITHDRAWAL FROM COMPACT

2 The party states agree that

3 (a) This compact becomes effective upon adoption by at least two states.

4 (b) Entry into the compact must be made by a resolution of ratification
5 executed by the authorized officers of the applying state and submitted to the chairman
6 of the board of compact administrators.7 (c) The resolution must be in a form and content as provided in the compact
8 manual and include9 (1) a citation of the authority by which the state is authorized to
10 become a party to this compact;11 (2) an agreement to comply with the terms and provisions of the
12 compact; and13 (3) a statement that entry into the compact is with all states then party
14 to the compact and with any state that legally becomes a party to the compact.15 (d) The effective date of entry must be specified by the applying state, except
16 that the effective date must not be less than 60 days after notice has been given by

17 (1) the chair of the board of the compact administrators; or

18 (2) the secretary of the board of compact administrators to each party
19 state that the resolution from the applying state has been received.20 (e) A party state may withdraw from the compact by giving official written
21 notice to the other party states. A withdrawal does not take effect until 90 days after
22 the notice of withdrawal is given. The notice must be directed to the compact
23 administrator of each party state. The withdrawal of a party state does not affect the
24 validity of the compact as to the remaining party states.

25 ARTICLE IX

26 AMENDMENTS TO THE COMPACT

27 The party states agree that

28 (a) This compact may be amended from time to time. Amendments must be
29 presented in resolution form to the chair of the board of compact administrators and
30 may be proposed by one or more party states.

31 (b) The adoption of an amendment must be endorsed by all party states and

1 becomes effective 30 days after the date the last party state endorses the amendment.

2 (c) The failure of a party state to respond to the chair of the board of compact
3 administrators within 120 days after the receipt of the proposed amendment constitutes
4 an endorsement.

5 ARTICLE X

6 CONSTRUCTION AND SEVERABILITY

7 The party states agree that this compact must be liberally construed so as to carry out
8 the purposes stated in the compact. The provisions of this compact are severable and if
9 any phrase, clause, sentence or provision of the compact is declared to be contrary to
10 the constitution of any party state or the United States or the applicability thereof to
11 any government, agency, person, or circumstance is held invalid, the validity of the
12 remainder of the compact is not affected thereby. If this compact is held contrary to
13 the constitution of any party state thereto, the compact remains in effect as to the
14 remaining states and to the state affected as to all severable matters.

15 ARTICLE XI

16 TITLE

17 The party states agree that this compact will be known as the Wildlife Violator
18 Compact.

19 * **Sec. 2.** AS 16.05.410 is amended by adding a new subsection to read:

20 (h) For purposes of enforcement of the provisions of the Wildlife Violator
21 Compact entered into under AS 16.05.332, upon the receipt of a report that a violator
22 who is a resident has failed to comply with the terms of a citation for a wildlife
23 violation issued by an issuing state other than this state or of the violator's conviction
24 of a wildlife violation in an issuing state other than this state, a peace officer may file a
25 civil action in the district court to revoke the comparable license or licenses that the
26 violator holds in this state. Once an action has been filed, the court shall set a time and
27 date for a hearing on the proposed license revocation or revocations and shall send
28 notice of the hearing to the violator. The hearing shall be before the court without a
29 jury. At the hearing, the court shall hear evidence regarding the nature and seriousness
30 of the offense for which the violator was convicted or the nature and seriousness of the
31 failure to comply with the citation, the time period involved, the potential effect of the

1 violator's actions on the preservation of the resource, and other relevant circumstances.
2 If the court finds by a preponderance of the evidence that the violator's actions
3 demonstrate a disregard for the preservation of wildlife resources, the court may
4 revoke the violator's license or licenses for a period of not less than one year or more
5 than three years from the date of revocation. In this subsection, the terms "issuing
6 state," "wildlife," and "wildlife violation" have the meanings given in AS 16.05.332.

ALASKA STATE LEGISLATURE

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REPRESENTATIVE CRAIG JOHNSON
HOUSE DISTRICT 28

Sponsor Statement Wildlife Violator Compact HB 267

This legislation would allow Alaska to join other states in entering into a Wildlife Violator Compact. The Wildlife Compact (WVC) was created in 1989 when passed into law in Colorado, Utah and Oregon and currently there are 26 states participating in the compact. Ohio will be the 27th state joining in January of 2008. The WVC is an interstate agreement to enhance compliance with the hunting, fishing and other wildlife laws, ordinances and regulations of participating states, while providing for the fair and impartial treatment of wildlife violators.

Compact Benefits for the Consumer:

- Delays and or the inconvenience involved with the processing of a violation are comparable for residents and non-residents of participating states.
- Personal recognition is permitted in many cases involving wildlife violations. Certain violations and circumstances still require an immediate appearance or bonding.

Compact Benefits for the Agency:

- Wildlife law enforcement officers are able to devote more time to patrol, surveillance and apprehension of violators since they are not burdened with violator processing procedures.
- The burden on courts and jail facilities is reduced because of the decreased case load involving immediate appearances, bonding and incarceration.
- Public relations are improved by not having to subject as many violators to the inconveniences of immediate appearance, bonding or incarceration.
- The numbers of "Failure to Appear" cases are reduced because non-residents cannot ignore a citation from participating states without facing the suspension of their wildlife license privileges in their home state.
- Wildlife law violators are put on notice that their activities in one state can affect their privilege to recreate in all participating states.

ALASKA STATE LEGISLATURE

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REPRESENTATIVE CRAIG JOHNSON
HOUSE DISTRICT 28

MEMORANDUM

TO: Members, Alaska State House
FROM: Representative Craig Johnson
DATE: February 7, 2008
SUBJECT: Changes between HB 267 & CSHB 267 (RES)
v? "O"

The Committee Substitute for House Bill 267 (RES), version "O", passed by the House Resources Committee has been changed from the HB 267, version M.

Page 1, lines 2 & 3: after Compact

Delete "and authorizing the compact to supersede existing statutes by approving standards, rules, or other action under the terms of the compact;"

Page 1, lines 2 & 3: after Compact

Insert "excluding commercial fishing and big game commercial hunting services from the provisions of the compact;"

Page 1, line 5: after a,

Delete "resident"

Page 5, lines 26 & 27: after law.

Insert "In this state, "wildlife" means all species of fish and game as these terms are defined in AS 16.05.940."

Add Section 2 page 10, lines 20 to 26:

Renumber Section 2 to Section 3

Page 10, line 22:

Delete "who is a resident"

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 25, 2008

SUBJECT: Sectional summary of CSHB 267(RES)
(Work Order No. 25-LS0864\O)

TO: Representative Craig Johnson
Co-chair of the House Resources Committee
Attn: Jeanne Ostnes

FROM: Brian J. Kane *BJK*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 of the bill sets out the provisions of the Wildlife Violator Compact.

- Article I of the compact states the policy and purpose behind the compact and what member states aim to achieve by joining the compact.
- Article II sets out the definitions of terms used in the compact.
- Article III states the procedures to be followed by a state issuing a citation to a person for a wildlife violation.
- Article IV states the procedures for the home state of the person who is issued a wildlife violation in another state in the compact.
- Article V declares that all states that are parties to the compact will recognize a suspension of license privileges as if it happened in their states.
- Article VI states that nothing in the compact shall be construed to affect the right of a party state to apply its own local laws or practices in wildlife enforcement.
- Article VII describes the board of compact administrators and the role of the board.
- Article VIII provides for entry into and withdrawal from the compact.
- Article IX states that amendments may be made to the compact.
- Article X states that the compact should be liberally construed to carry out its purpose, and that the provisions of the compact are severable in order to keep remaining provisions in effect.
- Article XI states the title of the compact.

Representative Craig Johnson
January 25, 2008
Page 2

Section 2 of the bill states that the compact does not apply to violations for commercial fishing or commercial activities of providers of services to big game hunters.

Section 3 of the bill provides the procedure for peace officers in the state of Alaska to file an action for revocation of a fishing or hunting license to comply with the terms of the compact.

BJK:med
08-050.med

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 267
 () Publish Date: _____

Identifier (file name): HB257-DFG-DWC-01-11-08 Dept. Affected: Fish and Game
 Title: Wildlife Violator Compact RDU: Wildlife Conservation
 Component: Wildlife Conservation
 Sponsor: Representative Johnson
 Requester: House Resources Committee Component Number: 473

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

Passage of this bill will not have any fiscal impact on the Department of Fish and Game.

Prepared by: Doug Larsen, Director
 Division: Wildlife Conservation
 Approved by: Denby Lloyd, Commissioner
Department of Fish and Game

Phone 465-4191
 Date/Time 1/11/08 4:00 PM
 Date 1/11/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 267
 () Publish Date: _____

Identifier (file name): HB267-DPS-AWT-01-10-08 Dept. Affected: Public Safety
 Title: "An Act relating to . . . Wildlife Violator Compact . . ." RDU: Alaska State Troopers
 Component: Alaska Wildlife Troopers
 Sponsor: Representative Johnson
 Requester: House Resources Committee Component Number: 2746

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0	0	0
Part-time	0	0	0	0	0	0	0	0
Temporary	0	0	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Research of other compact member states estimates that the time needed to administer the program will be between 5 and 30 hours per month, depending upon how many new entries are required into the data base. The Division of Alaska Wildlife Troopers can administer this program with existing personnel.

Prepared by: Captain Burke Waldron
 Division: Division of Alaska Wildlife Troopers
 Approved by: Walt Monegan, Commissioner
Department of Public Safety

Phone: (907)269-5509
 Date/Time: 01/08/08 3:15pm
 Date: 1/10/2008

ALASKA STATE LEGISLATURE

CO-CHAIR
Rep. John Harris (R-Valdez)
State Capitol, Room 208
Juneau, AK 99801-1182
Phone: 907-465-4859
Fax: 907-465-3799
Toll Free: 888-465-4859



CO-CHAIR
Sen. Lyda Green (R-Wasilla)
State Capitol, Room 111
Juneau, AK 99801-1182
Phone: 907-465-6600
Fax: 907-465-3805
Toll Free: 877-465-6601

ALASKA LEGISLATIVE OUTDOOR CAUCUS

February 7, 2008


The Honorable Craig Johnson
Alaska State House
Juneau AK 99801

Dear Representative Johnson:


We are writing to convey our support for HB 267, a bill to allow Alaska to join other states in entering into a Wildlife Violator Compact WVC. As this legislation provides for improved enforcement of conservation laws and regulations through reciprocal agreements with partner states, we believe this legislation to be a good first step for our newly formed Legislative Outdoor Heritage Caucus LOHC).

It is the goal of the LOHC to promote conservation and the traditions of hunting, fishing and trapping. Legislation such as the WVC helps us fulfill that goal. If we can assist you in any way to ensure the passage of this legislation, please don't hesitate to call on us.

Sincerely,



Speaker of the House
John Harris



Senate President
Lyda Green

STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPARTMENT OF FISH AND GAME BOARD OF FISHERIES

ADF&G
P.O. BOX 115526
JUNEAU, AK 99801-5526
PHONE: (907) 465-4110
FAX: (907) 465-8094

January 11, 2008

Representative Craig Johnson
Mail Stop 3100
State Capitol
Juneau, AK 99801-1182

Subject: Support of HB 267

Dear Representative Johnson:

Thank you for your presentation to the Joint Boards of Fisheries and Game on October 8, 2007 regarding the Wildlife Violators Compact. We appreciate your efforts, and feel the time has come to bring Alaska into the Compact, joining 26 other states. We recognize the benefits which will come to Alaska by its membership, and support House Bill 267 which will accomplish these goals. Passage of this legislation will provide a strong deterrence for the commission of serious fish and wildlife crimes in Alaska, and will remain a priority of our two Boards.

We applaud the main premise of the Compact which provides for a convicted poacher, whose license has been revoked in one member state, to be revoked in all member states. This sends a clear message that we value our fish and wildlife resources and are serious about protecting them. We also support increased revenues which the state will realize when non-residents who receive citations are more motivated to pay their fines, as opposed to having licenses revoked if they do not respond to citations.

Please let us know what further we may do to lend our voice in support of the successful passage of this needed legislation.

Sincerely,



Mel Morris, Chairman

Chairman, Alaska Board of Fisheries

STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPARTMENT OF FISH AND GAME BOARD OF GAME

ADF&G
P.O. BOX 115526
JUNEAU, AK 99801-5526
PHONE: (907) 485-4110
FAX: (907) 485-8094

January 30, 2008

Representative Craig Johnson
Alaska State Legislature
State Capitol, Room # 126
Juneau, AK 99801-1182

Dear Representative Johnson:

The Alaska Board of Game supports House Bill 267, Wildlife Violator Compact. The board appreciates your efforts to make it possible for Alaska to join the 26 participating states of the Wildlife Violators Compact.

The Board of Game supports the main premise of the Compact which provides for a convicted wildlife violator whose license has been revoked in one member state, to be revoked in all member states. The Board feels strongly that passage of this bill by the legislature will provide a strong deterrence to violators, knowing that their activities in one state can affect their privilege to recreate in all participating states. Without this bill and the sanctions that it provides through the Wildlife Violators Compact, "non Alaska residents" have no incentive to comply with the sanctions levied by the criminal justice system.

Law enforcement efforts directed at compliance with wildlife regulations remains a high priority with the Board of Game. Joining the interstate Wildlife Violator Compact will send a strong message that the State of Alaska does not tolerate serious wildlife violations.

Thank you for your work on this important piece of legislation. Please let us know how we can assist you with this effort.

Sincerely,



Cliff Judkins, Chairman
Board of Game

Johnson 11/10/07 Voice of the Times

Inter-state poacher watch extends Alaska's reach

By REP. CRAIG JOHNSON



Recent news coverage of Alaska's big game hunting, some good and some bad, highlights the need for better communication and cooperation with other states to ensure poachers do not go unpunished.

I read with both pride and dismay a story from Anchorage about poachers being brought to justice for illegally taking our big game. Pride because our Alaska wildlife troopers did their job and did it well, but with dismay at the fact that the two men involved will undoubtedly be viewed as hunters. They are not, and for once the *Anchorage Daily News* got it right in the headline by calling them poachers.

Johnson

This calculated criminal act and others like it, unfortunately, are all too common here, and all the harder to enforce, thanks to the sheer size of our state. However, there is one valuable way we can change the dynamic and start bringing forces to bear on those who illegally take and waste our fish and game: The Wildlife Violator Compact, or WVC. I am working on a bill that would bring our state into the WVC fold and allow greater effectiveness and efficiency in the state's wildlife enforcement efforts.

Colorado, Nevada, and Oregon initiated the Wildlife Violator Compact in 1989 to give their wildlife enforcement officers a way to cross-reference violators from other states. It allows . . .

(cont'd from front page) license revocations associated with the crimes committed in any compact-member state to be enforced in all compact-member states including the violator's home state. Previously, the risk of hunting illegally was simply getting caught.

The out-of-state violator could return home and fail to appear at arraignment, adding a burden to law enforcement and the court system in tracking violators down for extradition. With the WVC, if an out-of-state poacher fails to appear in court for a violation committed in Alaska, state wildlife agents could enter the violation into the WVC database, which would revoke the violator's hunting or fishing license in all compact-member states until the violator appeared to face the charges.

In addition to greatly increasing the communication between enforcement agencies, the WVC allows for hunting or fishing license revocations in member states to be transferred, meaning violators from out of state who commit serious wildlife crimes in Alaska would also have their home state licenses revoked. This change alone brings more offenders to justice by bringing the same sanctions on their home state hunting and fishing privileges as those in the state where the violation occurred.

The significant deterrent is that violators won't be able to ignore the citation or summons. The license revocations will cross state lines, forcing them to cooperate to ensure their home state status won't be compromised.

Currently, 26 states are members. Fifteen more are in the process of approving legislation or are awaiting enrollment in the WVC. At present a database of more than 4,100 violators exists that Alaska wildlife troopers can search through when processing citations or when an applicant applies for a hunting or fishing license in Alaska. Information sharing also means that instead of tracking down poachers who fail to appear, or working on extradition proceedings, enforcement officers can spend more time in the field patrolling and making arrests, thus minimizing unnecessary paperwork.

The respective chairmen of the boards of Fish and Game support this legislation, saying: "The WVC sends a clear message that we value our fish and wildlife resources, and are serious about protecting them." Chairmen Cliff Judkins of the Board of Game and Mel Morris of the Board of Fish also wrote that: "Passage of this legislation will provide a strong deterrence for the commission of serious fish and wildlife crimes in Alaska, and will remain a priority of the two boards."

I believe that vigilance, state-of-the-art tools, and inter-governmental cooperation are highly effective measures that will keep our state as a world-class destination for big game hunting and wildlife viewing. By Alaska's participation in the WVC, poachers who disregard our laws will no longer return home and ignore our legal system.

Craig Johnson is a Republic member of the Alaska House representing District 28 (Southwest Anchorage).



Alaska Conservation Alliance

Uniting for Alaska's Future

March 10, 2008

The Honorable Representative Johnson
State Capitol
Juneau, Alaska 99801

Re: HB 267 – Wildlife Violator Compact

Dear Representative Johnson,

On behalf of the Alaska Conservation Alliance (ACA), a consortium of 40 Alaska-based conservation groups, I would like to express our support for HB 267, an act authorizing the state of Alaska to join with other states entering into the Wildlife Violator Compact.

As you have already stated, HB 267 would prevent the abuse of Alaska's hunting laws by allowing Alaska to join 26 other states already participating in the Wildlife Violator Compact (WVC). Patterned after the successful inter-state driver license compact, the WVC has proven itself as a successful tool to deter wildlife violators since 1985. Unfortunately, as this program becomes more popular, the states not participating in the WVC are becoming attractive destinations for repeat violators, those individuals unable to hunt in the 26 states participating in the WVC because their hunting licenses have been revoked. Alaska should join the WVC to enjoy the protection this compact offers from these violators. Conversely, by joining the compact, hunters who lose their license in Alaska would also lose their license in WVC states, preventing further abuse of hunting laws.

Importantly, by joining the WVC, Alaskan wildlife law enforcement officials would be able to more easily issue citations to nonresidents. As explained in earlier testimony, under current law, violators can simply leave the state to avoid a citation unless they are immediately taken into custody and processed by wildlife officials. Additionally, the number of "Failure to Appear" cases would likely be reduced because non-residents would no longer be able to ignore a citation without facing the suspension of their wildlife license in their own state.

By joining the 26 other states already involved in the WVC we will be protecting our wildlife resources from repeat offenders and lessening a burden on our wildlife enforcement officials. HB 267 is a common sense approach to wildlife law enforcement that fits Alaska. ACA encourages the Alaska Legislature to pass HB 267.

Sincerely,

Kate Troll
Executive Director

CC: Senator Huggins Senator Stedman Senator Green Senator McGuire
 Senator Stevens Senator Wagoner Senator Wielechowski

WILDLIFE VIOLATOR COMPACT



Why should Alaska join?

PRESENTED BY

Alan G. Cain

Statewide Law Enforcement Specialist

Alaska Dept. of Fish & Game



HISTORY

PATTERNED AFTER THE DRIVERS LICENSE
COMPACT

LEGISLATION DRAFTED BY NEVADA &
COLORADO IN 1985

LEGISLATION PASSED IN 1989 IN COLORADO,
NEVADA, & OREGON

OFFICIALLY STARTED 1991 BETWEEN
COLORADO, NEVADA, & OREGON



WHY?

Two poachers from Missouri convicted of taking two bighorn sheep w/o licenses in Wyoming . Both fined \$19,800 and loss of hunting privileges for 10 years



WYOMING

Two habitual
wildlife violators
convicted of
taking two
bighorn rams
out of season on
Christmas eve in
Wyoming



IDAHO

A spike bull elk killed during closed season in Idaho and hauled back into Montana with Montana elk tag

Group consisted of eight Montana residences that had been illegally killing 5-10 bulls in Idaho during closed season for 10-15 years having a significant impact on the bull population in the area



COLORADO

This individual was convicted in Arizona. He was then convicted of illegal guiding in Colorado



MISSOURI

Shooting deer illegally in Iowa and bringing them to the Missouri to be checked as legal kills may have seemed like a slick idea to three Missouri men, but the scheme cost them more than \$20,000.



ARIZONA

This poacher is posing with 4 deer and 3 javelina. All were taken on one hunting trip. This guy had been poaching for years, until an informant told officials about him



This nonresident poacher from Alabama is posing with an illegal cow caribou. He and his hunting companions took a total of 11 illegal caribou and entirely wasted the meat of 9. If Alaska were a compact member, their hunting licenses would have been revoked in 26 states instead of Alaska only.

ALASKA



FOUNDATION

- PREVENT POACHERS REVOKED IN ONE STATE FROM HUNTING OR FISHING IN OTHER STATES
- PROVIDE FOR ISSUANCE OF CITATION TO NON-RESIDENTS VERSUS ARREST
- PROVIDE STRONG DETERRANCE FOR SERIOUS FISH & WILDLIFE CRIMES

CURRENT PROVISIONS

ANYONE REVOKED IN ONE COMPACT STATE IS REVOKED IN ALL OTHER COMPACT STATES IF THE CONVICTION IS A BASIS FOR REVOCATION IN THAT STATE

EACH STATE WILL TREAT THE CONVICTION AS IF IT OCCURRED IN THEIR STATE

A VIOLATOR OF A COMPACT STATE SHALL BE TREATED AS A RESIDENT IF HE VIOLATES IN ANY OTHER COMPACT STATE

IF THE VIOLATOR FTA'S THEN THE STATE ISSUING THE CITATION MAY NOTIFY THE HOME STATE

CURRENT PROVISIONS (cont'd)

THE HOME STATE NOTIFIES THE VIOLATOR THAT HE WILL BE SUSPENDED UNTIL THE TERMS OF THE CITATION ARE COMPLIED WITH

REVOCAION INFORMATION IS ENTERED INTO UTAH'S DATA BASE

EACH COMPACT STATE ENTERS & CONTROLS THEIR OWN INFORMATION. EACH STATE CAN ACCESS INFORMATION ON ALL THE REVOKEES IN THE DATABASE AND SORT BY VIOLATION IF THEY WISH

THIS ALLOWS FOR VIEWING ONLY THOSE VIOLATIONS WHICH ARE REVOCABLE IN YOUR STATE

TECHNICAL ASPECTS

BASIC VIOLATOR INFORMATION STORED ON A MAINFRAME COMPUTER HOSTED BY THE UTAH DEPARTMENT OF PUBLIC SAFETY

ACCESS TO MAINFRAME IS GRANTED TO COMPACT ADMINISTRATORS AND LAW ENFORCEMENT PERSONNEL IN MEMBER STATES

PERIODIC AND ON-DEMAND DOWNLOADS OF CURRENT REVOKEE INFORMATION ARE PROVIDED TO MEMBER STATES

TECHNICAL ASPECTS (cont'd)

DOWNLOADS OF VIOLATOR INFORMATION MAY BE INCORPORATED INTO DRAWING AND AUTOMATED LICENSING SYSTEMS TO PREVENT REVOKEES FROM OBTAINING LICENSES IN MEMBER STATES



STATUS

APPROXIMATELY 4,100 NAMES CURRENTLY EXIST IN THE DATABASE

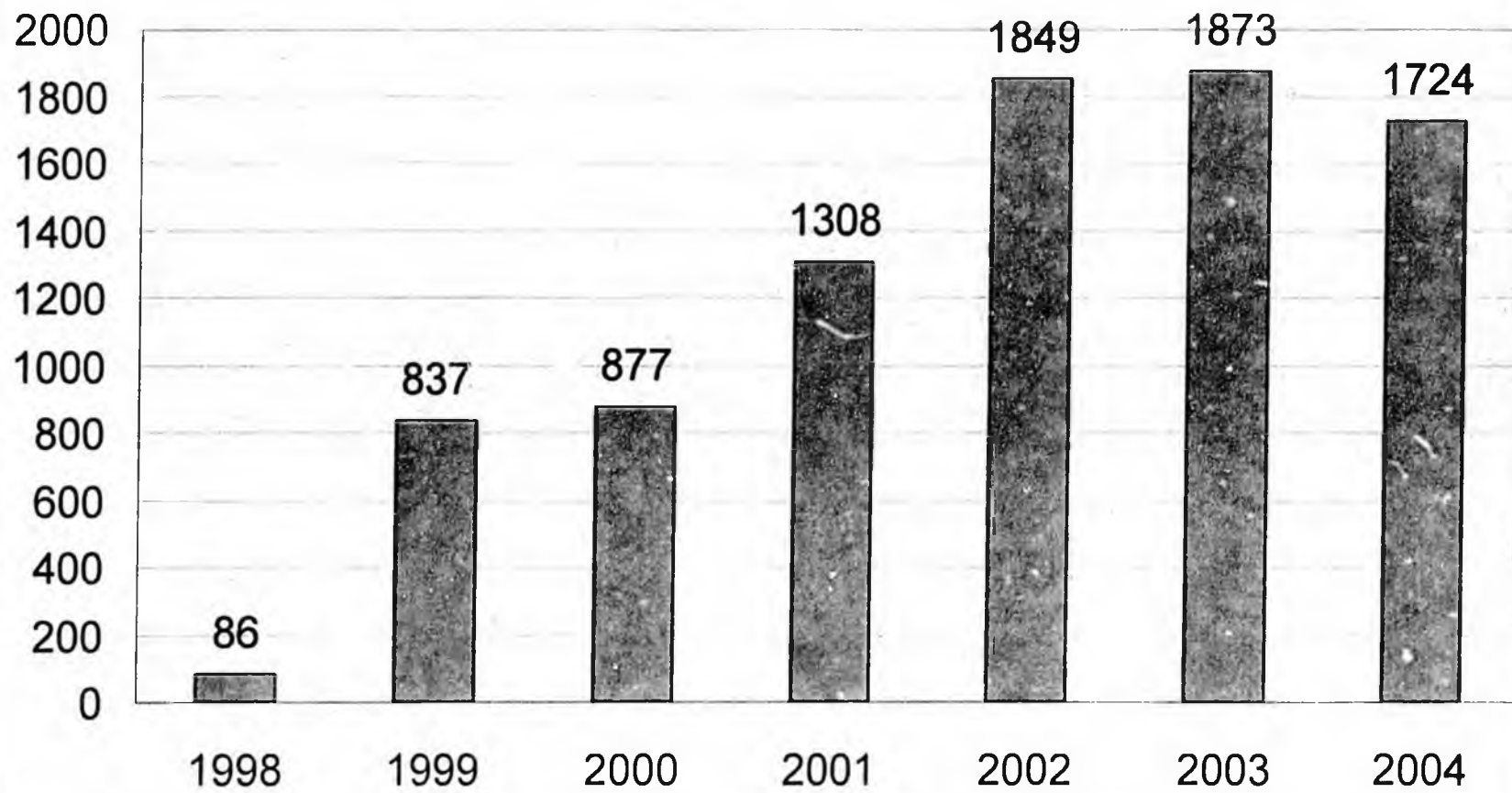
A TOTAL OF 9,788 INDIVIDUALS HAVE BEEN REVOKED THROUGH THE COMPACT (as of June 2005)

APPROXIMATELY 50 PERCENT ARE REVOKED DUE TO BIG GAME VIOLATIONS

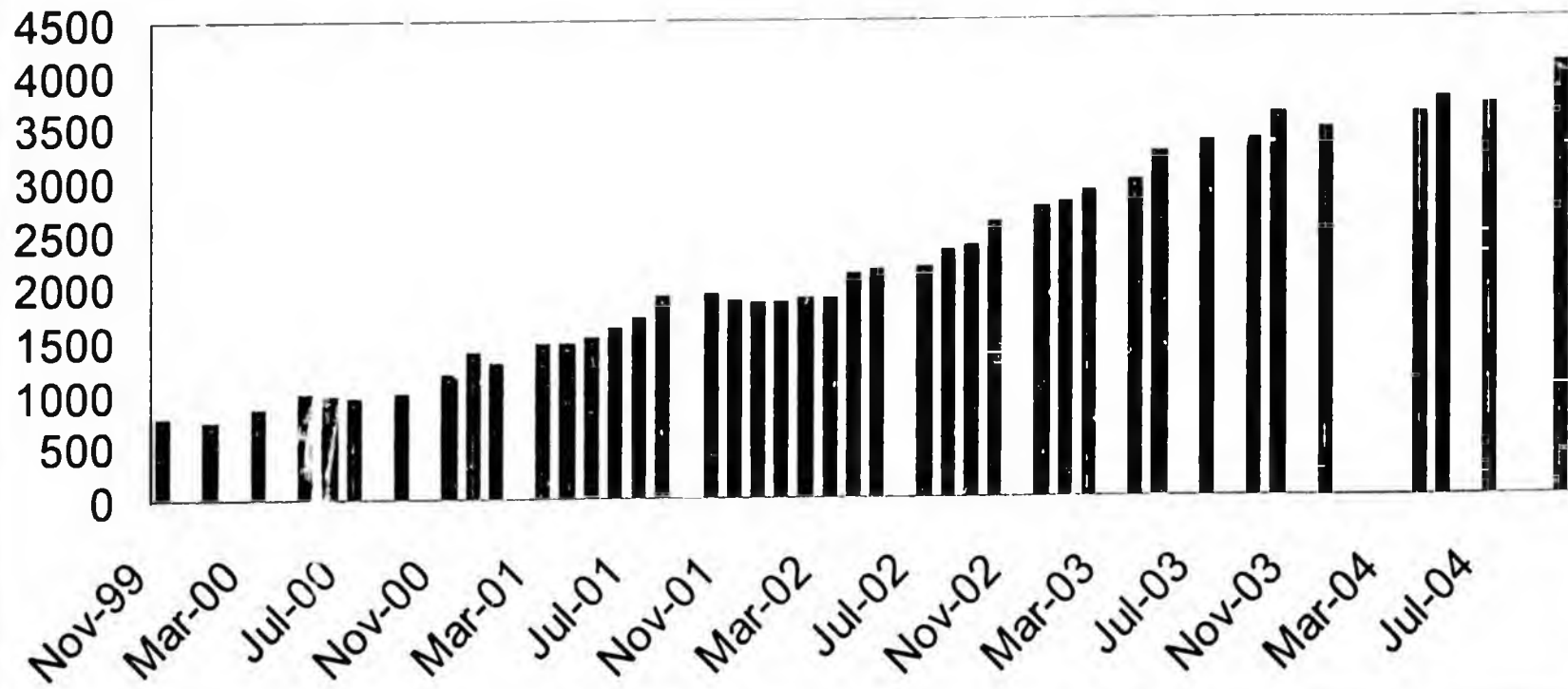
25 STATES CURRENTLY PARTICIPATE IN VIOLATOR COMPACT

3 MINUTE AVERAGE PER ENTRY

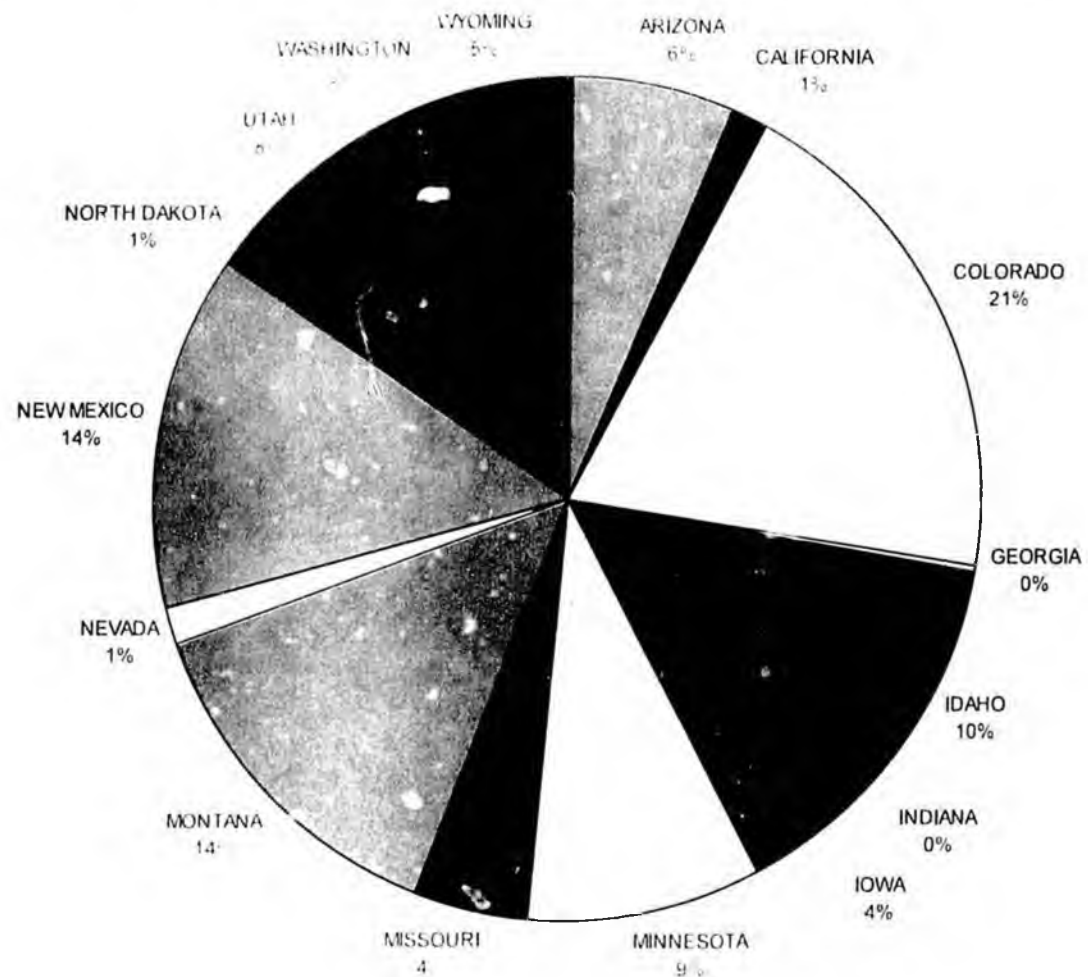
Interstate Wildlife Violator Compact Database 10-26-98 to
07-16-2004 Suspensions Added Per Year

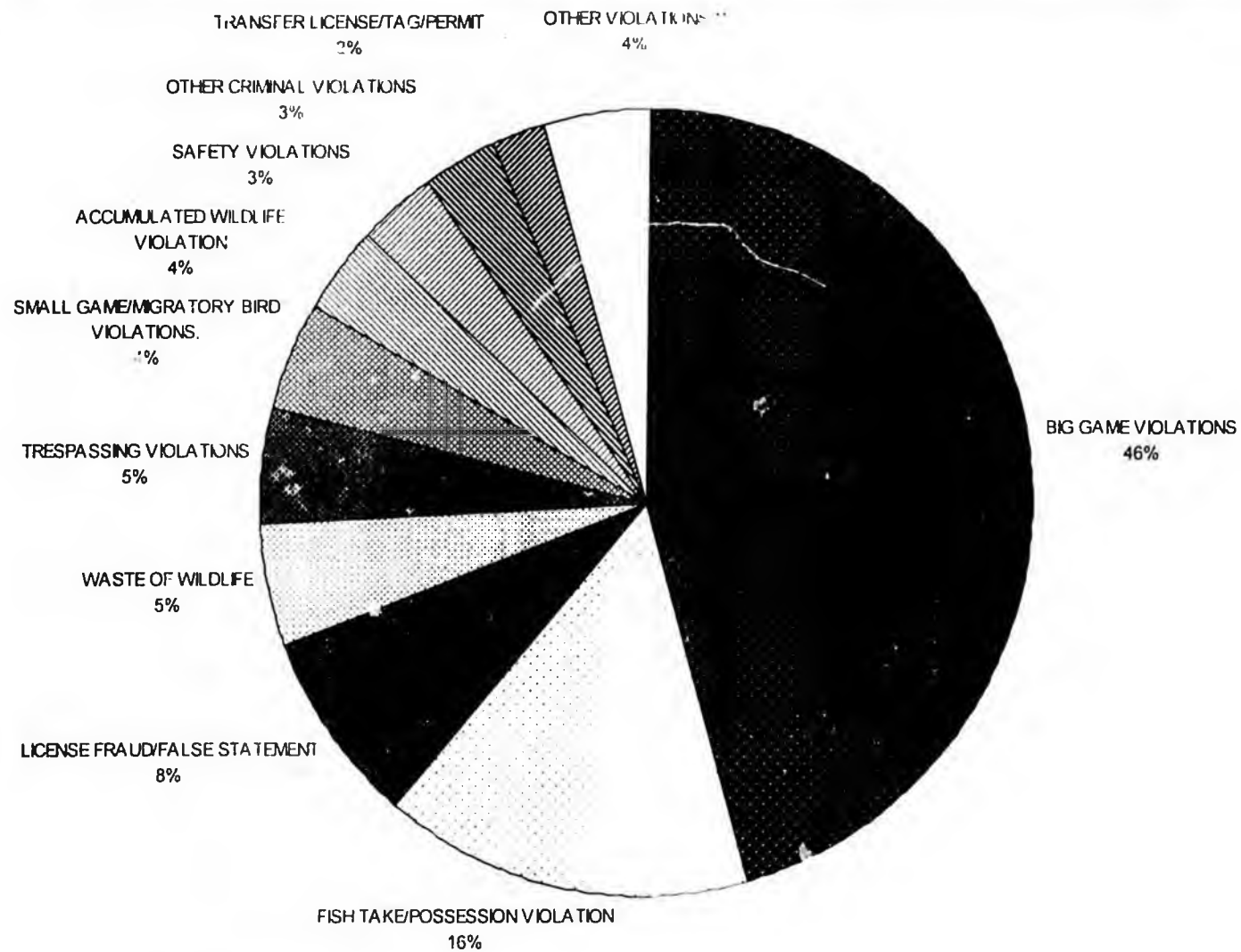


INTERSTATE WILDLIFE VIOLATOR COMPACT "CURRENT"
SUSPENSIONS AS OF DATE LISTED

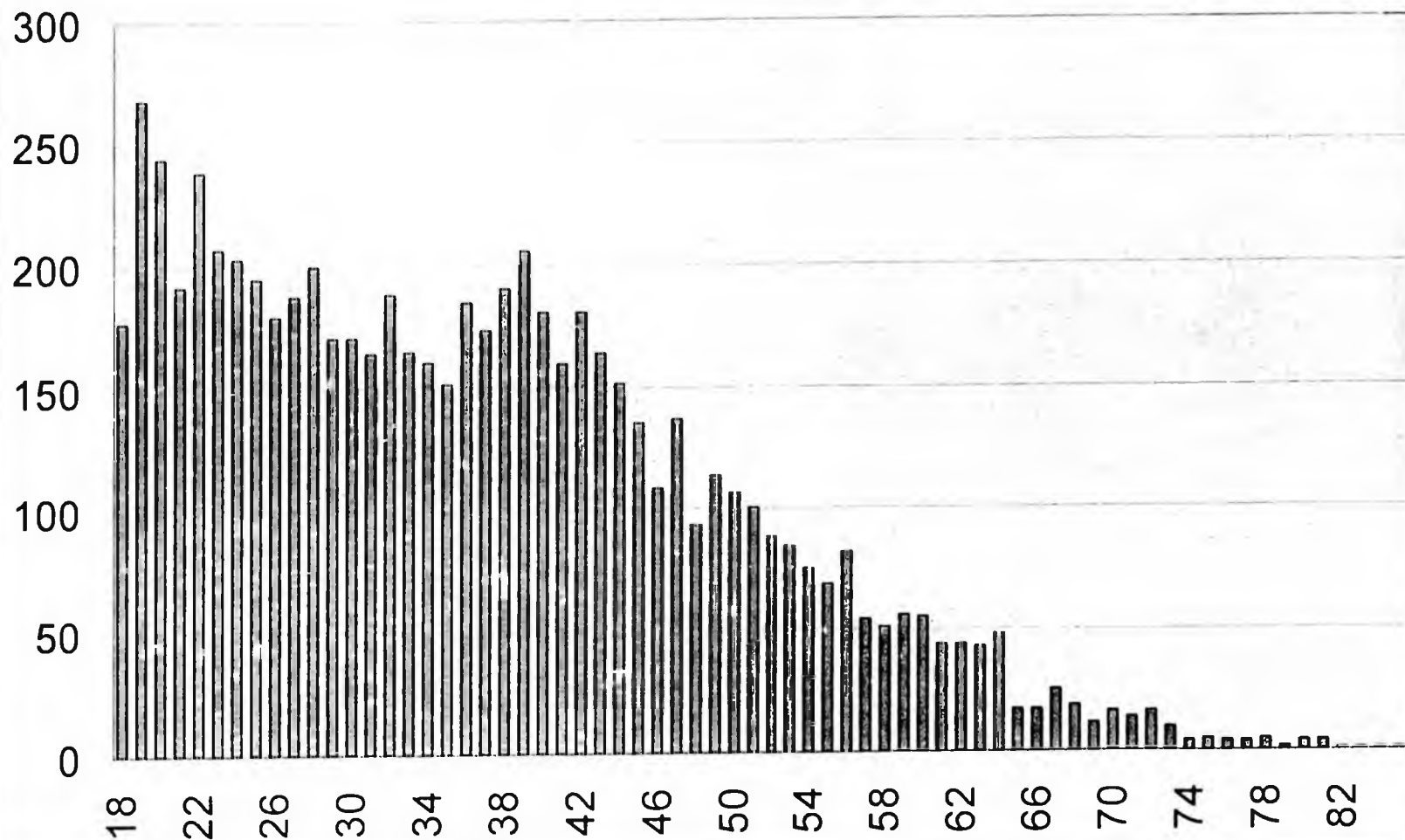


Interstate Wildlife Violator Compact Suspension Record Contributions to Database 10/1998
through 10/27//2004





Age of Suspended Persons at Revocation Begin
Interstate Wildlife Violator Compact 12/31/2003



COMPACT MEETINGS

- EACH STATE'S CHIEF OR LICENSING AUTHORITY SHALL APPOINT A COMPACT ADMINISTRATOR
- IWVC MEETING IS HELD ANNUALLY DURING THE AFWA CONFERENCE



COMPACT MEMBERS

Arizona

California

Colorado

Florida

Georgia

Idaho

Illinois

Indiana

Iowa

Kansas

Maryland

Michigan

Minnesota

Missouri

Montana

Nevada

New Mexico

New York

North Dakota

Oregon

South Dakota

Tennessee

Utah

Washington

Wyoming